

Remarks

Claims 1-17 are pending in the application. Applicant addresses the Examiner's rejections, and respectfully requests allowance of the claims in view of the following amendments and remarks.

Claims 1-5, 9 and 10 are rejected. To expedite prosecution without acquiescing to the Examiner's rejection, claim 1 has been amended such that R⁵ and R^{5'} are each a moiety other than hydrogen. The 6,391,907 and 6,608,068 patents teach a broad range of indoline derivatives, but provide no teaching or suggestion for the subgenus claimed in the application. Absent such teaching or motivation, the claims as amended are not obvious, and Applicant respectfully requests that this rejection be withdrawn.

Claims 6-8 are objected to for depending on a rejected base claim. As previously indicated, claim 1 as amended is allowable and not obvious. Thus, Applicant respectfully requests that this objection be withdrawn.

Claims 1-10 are also objected to for containing non-elected subject matter. The Examiner may require the Applicant to elect a species for prosecution on the merits to which the claims will be restricted if no claim to the genus is finally held to be allowable. See, MPEP 809.02(a) and 37 C.F.R. § 1.146. However, upon allowance of a generic claim, Applicant is entitled to consideration of claims to additional species or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. See, MPEP § 809.02(c). Applicant submits that the genus in amended claim 1 is allowable, and respectfully requests that this objection be withdrawn.

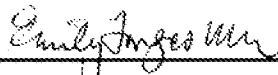
Claims 11-17 have been withdrawn as being drawn to non-elected subject matter. In accordance with MPEP § 821.04, Applicant requests rejoinder of the product claims and method of use claims commensurate in scope with the allowed product claims.

Conclusion

In summary, the claims have been amended to obviate the rejections, and Applicant requests that claims 1-17 be passed to issue. If a telephone conference would expedite prosecution of this application, please telephone the undersigned attorney at 858-812-1539.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-1885 referencing docket No. P1081US10.

Respectfully submitted,



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